

**IN THE UNITED STATES DISTRICT COURT
FOR THE SOUTHERN DISTRICT OF TEXAS
CORPUS CHRISTI DIVISION**

KAREN PUGH WRIGHT	§	IN THE DISTRICT COURT
	§	
	§	
	§	
v.	§	CIVIL ACTION NO. _____
	§	
CYTOMETRY SPECIALISTS, INC.	§	
d/b/a CSI LABORATORIES	§	JURY DEMANDED

DEFENDANT’S NOTICE OF REMOVAL

TO THE HONORABLE JUDGE OF SAID COURT:

Defendant, **CYTOMETRY SPECIALISTS, INC. d/b/a CSI LABORATORIES**, files this Notice of Removal pursuant to 28 U.S.C. § 1441 (a) and in support thereof would show the following:

I. INTRODUCTION

On July 28, 2014, Plaintiff filed an Original Petition, Certificate of Written Discovery and Requests for Disclosure to Defendant Cytometry Specialists, Inc. d/b/a CSI Laboratories, styled Cause No. 2014CCV-61515-3; *Karen Pugh Wright v. Cytometry Specialists, Inc. d/b/a CSI Laboratories*; In the County Court At Law No. 3 of Nueces County, Texas. (The “State Court Action”). On August 7, 2014, Defendant, Cytometry Specialists, Inc. d/b/a CSI Laboratories, was served with process by and through Defendant’s registered agent.

II.

Pursuant to Rule 81 of the Local Rules of the United States District Court for the Southern District of Texas, an Index of the Matters Filed is attached as Exhibit “1.” Process of Service is attached as Exhibit “2.” A copy of Plaintiff’s Original Petition, Certificate of Written Discovery and Requests for Disclosure to Defendant Cytometry Specialists, Inc. d/b/a CSI

Laboratories attached as Exhibit “3.” Defendant’s Original Answer and Application for Jury Trial are attached hereto as Exhibit “4.” The Civil Court Docket Sheet is attached as Exhibit “5.” A List of All Counsel of Record is attached hereto is Exhibit “6.” Civil Cover Sheet is attached as Exhibit “7.” No orders have been entered by the State Court.

III.

The Plaintiff brings suit to recover damages alleging severe injuries and extensive damages as a result of negligence of Defendant. Specifically, Plaintiff is alleging Defendant failed to properly diagnose Plaintiff’s medical condition.

IV.

Federal Jurisdiction is based upon the complete diversity of citizenship between the Plaintiff and Defendant. Removal is authorized under 28 USC § 1441 (a) because the State Court Action is a civil action of which this Federal District Court has original jurisdiction. Under 28 U.S.C. § 1332, the district courts of the United States have original jurisdiction of all civil actions where the matter in controversy exceeds the sum or value of \$75,000, exclusive of interests and costs, and is between the citizens of different states.

V.

Diversity of citizenship between the parties existed on the date of filing of the State Court Action. According to Plaintiff’s Original Petition, Plaintiff is a resident of Nueces County, Texas. At the time the State Court Action was filed and removed to this Court, Cytometry Specialists, Inc. d/b/a CSI Laboratories, was and is a Georgia corporation with its principal place of business in Georgia. Therefore, Cytometry Specialists, Inc. d/b/a CSI Laboratories is a citizen and resident of Georgia.

The amount in controversy exceeds \$75,000, exclusive of interest and costs. Plaintiff has specifically alleged the amount of \$500,000 in damages per the Petition.

VI.

This Court is the United States District Court for the judicial district and division embracing the place where the State Court Action is pending. Therefore, venue is proper in the United States District Court for the Southern District of Texas, Corpus Christi Division pursuant to 28 U.S.C. § 1446(a).

This Notice of Removal is timely pursuant to 28 U.S.C. § 1446(b) since it was filed within 30 days from the date Defendant received the initial pleading filed by Plaintiff in this action.

VII.

In conjunction with this filing of Notice of Removal in Federal Court, Defendant is serving written Notice of Removal on the Plaintiff and filing a copy of same with the clerk of the County Court At Law No. 3 of Nueces County, Texas, in accordance with 28 U.S.C. § 1446(d).

WHEREFORE, Defendant CYTOMETRY SPECIALISTS, INC. d/b/a CSI LABORATORIES, removes the State Court Action currently pending as Cause No. 2014CCV-61515-3 in the County Court At Law No. 3 of Nueces County, Texas to this Federal District Court and prays that this Court exercise jurisdiction of all claims, and that this case be placed on the docket for all further proceedings.

Respectfully submitted,

BY: /s/ Chastiti N. Horne
CHASTITI N. HORNE
Attorney-In-Charge
Texas Bar No.: 24007385
Federal Bar No.: 23510
EBANKS HORNE ROTA MOOS L.L.P.

2777 Allen Parkway, Suite 1200
Houston, Texas 77019-2141
(713) 333-4500 - Telephone
(713) 333-4600 – Facsimile
chorne@ethlaw.com - Email

ATTORNEY FOR DEFENDANT,
CYTOMETRY SPECIALSITS, INC.
d/b/a CSI LABORATORIES

CERTIFICATE OF SERVICE

I hereby certify that I have caused a true and correct copy of the foregoing instrument to be served upon opposing counsel of record herein, on this 4th day of September, 2014 in the following manner:

Ronald Wardell, P.C.
Attorneys at Law
5599 San Felipe, Suite 104
Houston, Texas 77056

Via E-File/E-Mail rwardell@wardelllawfirm.com

/s/ Chastiti N. Horne
CHASTITI N. HORNE